

**From:** Dong, Randall  
**Sent:** Friday, July 17, 2009 5:20 PM  
**To:** jbowen@mcnair.net; pfox@mcnair.net; sshannon@mcnair.net; nsedwar@regstaff.sc.gov; nd4z@yahoo.com  
**Subject:** Richard Hatalski v. PBT Communications, Inc. -- Docket No. 2009-119-C

Dear Parties and Counsel:

By Order No. 2009-457, entered by the Commission on July 8, 2009, I was appointed as the Hearing Examiner to hold a hearing, hear testimony, and receive evidence in this case and to make recommendations to the full Commission as to the actions to be taken in this matter. This is authorized under South Carolina Code Section 58-9-1020.

Prior to holding the formal hearing, I will be holding a pretrial conference. The purpose of the pretrial conference will be to determine a date upon which the hearing will be held and to deal with any preliminary matters. In his most recent email communication, Mr. Hatalski indicated that he expected to consult with legal counsel, and I do recommend that he avail himself of the opportunity to do so. As all of the parties are aware from reading the filings in this case, PBT has raised the issue of the Commission's limited jurisdiction and has moved to dismiss this matter entirely on the grounds that this Commission has no authority to address tort-based issues or to order PBT to pay monetary damages to Mr. Hatalski. It is true that the Commission cannot hear tort-based cases and cannot order monetary damages, but before ruling on the motion, I want to give Mr. Hatalski the opportunity to clarify his filings, if he in fact seeks not money damages, but other relief that is within the Commission's authority. It would be in Mr. Hatalski's interest to consult with an attorney to determine the nature of his complaints and the relief he is seeking and further decide whether the Commission is the proper forum to which he should present his case.

In any case, I would like to hear from the parties as to what dates they would be available in the next two weeks so we can try to arrange the pretrial conference at a mutually agreeable time. Please respond as soon as possible. If Mr. Hatalski has legal counsel, he may wish to have his lawyer respond on his behalf.

If you have any questions about any of the above, please send them by a "Reply All" email so that all parties are copied with the communication.

Very respectfully,

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